

**From:** Sweeney, Stephen  
**To:** Waye, Don  
**Sent:** 4/22/2014 5:47:31 PM  
**Subject:** RE: Notice and comment on the additional measures for Oregon CZARA

## Ex. 5 - Attorney Client

**From:** Waye, Don  
**Sent:** Tuesday, April 22, 2014 5:45 PM  
**To:** Sweeney, Stephen  
**Subject:** RE: Notice and comment on the additional measures for Oregon CZARA

## Ex. 5 - Deliberative

I'll poke around and give you the update I promised you before spring break.

**From:** Sweeney, Stephen  
**Sent:** Tuesday, April 22, 2014 5:19 PM  
**To:** Waye, Don  
**Subject:** RE: Notice and comment on the additional measures for Oregon CZARA

Back in the 1990s ... Allison thought you might have a copy as well. I think I think she said as much near the bottom of the email string.

If you don't have them, I can ask Alison.

**From:** Waye, Don  
**Sent:** Tuesday, April 22, 2014 5:18 PM  
**To:** Sweeney, Stephen  
**Subject:** RE: Notice and comment on the additional measures for Oregon CZARA

## Ex. 5 - Attorney Client

**From:** Sweeney, Stephen  
**Sent:** Tuesday, April 22, 2014 4:45 PM  
**To:** Waye, Don  
**Subject:** FW: Notice and comment on the additional measures for Oregon CZARA

Don,

## Ex. 5 - Attorney Client

Thanks in advance,

Steve

**From:** Sweeney, Stephen

**Sent:** Friday, April 11, 2014 11:42 AM

**To:** Waye, Don; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov)

**Cc:** Jeff Dillen - NOAA Federal; Carlin, Jayne; Byrne, Jennifer; Solloway, Chris

**Subject:** RE: Notice and comment on the additional measures for Oregon CZARA

Thanks, Don.

# Ex. 5 - Attorney Client

Thanks,

Steve

**From:** Waye, Don

**Sent:** Thursday, April 10, 2014 5:42 PM

**To:** Sweeney, Stephen; [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov)

**Cc:** Jeff Dillen - NOAA Federal; Carlin, Jayne; Byrne, Jennifer; Solloway, Chris

**Subject:** RE: Notice and comment on the additional measures for Oregon CZARA

Steve,

Yes, but I can't until next week. I recall looking through these files, esp during our response to NWEA's original FOIA request, and again last year. My recollection of this file (which predates my time at EPA) is that around late 1995 (after our threshold reviews) EPA/NOAA proposed a single general additional MM for forestry, similar to what we proposed for WA & CA. We heard from the state forester and DOF(?) telling us there's no issue with timber harvesting since the FPA was strong enough. Importantly, we also heard from NMFS, who convinced us that we should get very specific with our additional MM for forestry, so we did. When we followed up with the state regarding these more specific AMMs, we received some very strongly worded language from the Oregon Forest Council (of timber industry interests), the state forester and possibly the BOF that opposed these proposed AMMs.

I attached a document that I pulled together last year as a result of looking through our old paper files. Despite the name, most of the document discusses the scientific rationale supporting our additional MMs. We should flesh it out more, particularly with regard to state comments on our proposed AMMs.

-Don

**From:** Sweeney, Stephen

**Sent:** Thursday, April 10, 2014 5:03 PM

**To:** [allison.castellan@noaa.gov](mailto:allison.castellan@noaa.gov)

**Cc:** Waye, Don; Jeff Dillen - NOAA Federal; Carlin, Jayne; Byrne, Jennifer

**Subject:** RE: Notice and comment on the additional measures for Oregon CZARA

Don,

Could you please take a look?

Thanks,

Steve

**From:** Allison Castellan - NOAA Federal [<mailto:allison.castellan@noaa.gov>]

**Sent:** Thursday, April 10, 2014 5:02 PM

**To:** Sweeney, Stephen

**Cc:** Waye, Don; Jeff Dillen - NOAA Federal; Carlin, Jayne; Byrne, Jennifer

**Subject:** Re: Notice and comment on the additional measures for Oregon CZARA

The state stuff would be in both EPA and NOAA files so Don should be able to look back at the record for that as well.

On Thu, Apr 10, 2014 at 4:59 PM, Sweeney, Stephen <[Sweeney.Stephen@epa.gov](mailto:Sweeney.Stephen@epa.gov)> wrote:

## Ex. 5 - Attorney Client

Thanks,

Steve

**From:** Allison Castellan - NOAA Federal [<mailto:allison.castellan@noaa.gov>]

**Sent:** Thursday, April 10, 2014 4:57 PM

**To:** Sweeney, Stephen

**Cc:** Waye, Don; Jeff Dillen - NOAA Federal; Carlin, Jayne; Byrne, Jennifer

**Subject:** Re: Notice and comment on the additional measures for Oregon CZARA

It was before we conditionally approved their program on Jan. 13. 1998. I'd have to dig through our old OR files to see if there are any records of comments. I have a vague recollection from responding to the first NWEA FOIA that we may have received a few comments about our proposed conditional approval but I don't think we received many. Will have to check.

On Thu, Apr 10, 2014 at 3:42 PM, Sweeney, Stephen <[Sweeney.Stephen@epa.gov](mailto:Sweeney.Stephen@epa.gov)> wrote:  
Allison,

Some time ago, you mentioned that the federal agencies invited public comment on the additional measures (for forestry) for Oregon.

Do you recall when that was and/or whether we might be able to locate those comments?

Thanks,

Steve

Stephen J. Sweeney  
Office of General Counsel (2355A)  
WJC North Room 7507F  
U.S. Environmental Protection Agency  
202-564-5491 (desk)  
202-564-5531 (fax)

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